

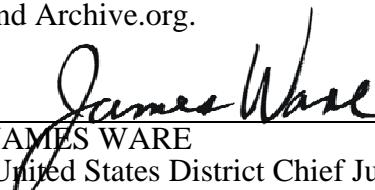
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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION  
10 Brice Yingling, et al., NO. C 09-01733 JW  
11 Plaintiffs,  
12 v.  
13 eBay, Inc.,  
14 Defendant.  
15 \_\_\_\_\_/

16 This matter is set for a Final Fairness Hearing on March 28, 2011. Upon review of the  
17 parties' submissions, the Court finds the Proposed Final Order and Judgment is insufficient.  
18 Specifically, the parties' designation of *cy pres* organizations set to receive the remaining balance of  
19 the Net Settlement Fund does not provide for Court approval of the nominated organizations prior to  
disbursement.

20 Accordingly, on or before **March 25, 2011**, the parties shall file a Revised Proposed Final  
21 Order and Judgment adjusting the language in paragraph 15 as follows:

22 Subject to Court approval, any balance remaining in the Net Settlement Fund at the  
23 end of the Distribution Plan (whether by reason of uncashed checks or otherwise) shall be  
24 disbursed pro rata to Stanford Law School, Southern Methodist Law School, the University  
of Texas Law School, the National Consumer Law Center, the United States Federal Trade  
Commission - Division of Marketing Practices, and Archive.org.

25 Dated: March 24, 2011

26  
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28  
JAMES WARE  
United States District Chief Judge  


1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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11 **Dated: March 24, 2011**

12 **Richard W. Wiking, Clerk**

13 **By: /s/ JW Chambers**  
14 **Elizabeth Garcia**  
15 **Courtroom Deputy**